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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

September 8, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 04KD-098

KAUAI

Withdrawal from Governor's Executive Order No. 4007 and
Reset Aside to County of Kauai, Department of Water for
Water Storage Tank and Emergency Generator Shelter Purposes,
Kekaha, Waimea, Kauai, Tax Map Key: (4) 1-2-02:Portion 1.

CONTROLLING AGENCY

Agribusiness Development Corporation

APPLICANT:

County of Kauai, Department of Water

LEGAL REFERENCE:

Section 171-11, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government (Crown) lands of Waimea situated at Kekaha,
Waimea, Kauai, identified by Tax Map Key: (4) 1-2-02:Portion 1,
as shown on the attached map labeled Exhibit A and B.

AREA:

1.00 acres, more or less.

ZONING:

State Land Use District: Agriculture
County of Kauai CZO: Agriculture

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES

CURRENT USE STATUS:

Governor's Executive Order No. 4007 setting aside net area of 12,592.133 acres to Agribusiness Development Corporation for agriculture and related purposes.

PURPOSE:

Water Storage Tank and Emergency Generator Shelter purposes.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject project was published in the OEQC's Environmental Notice on March 23, 2000 with a finding of no significant impact (FONSI).

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Process and obtain subdivision at Applicant's own cost; and
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

REMARKS:

In March of 2004 the County of Kauai, Department of Water requested 1,360 square feet for the installation of a fixed generator building adjacent to their existing Kapilimao well site covered by Executive Order No. 4035.

The Agribusiness Development Corporation's Kekaha Committee on June 16, 2004 approved to allow DLNR to withdraw approximately one (1) acre of land for the County of Kauai, Department of Water project.

By letter dated May 1, 2006 the County of Kauai, Department of Water is requesting one (1) acre instead of 1,360 square feet. This is to accommodate a future 0.5 million gallon water tank. Exhibit C.

Agency comments were solicited from:

County of Kauai, Department of Public Works: No comments.
State Historical Preservation Division: No objections.
Office of Hawaiian Affairs: No response.

The Department of Water is also requesting an issuance of an immediate right of entry for its employee, agents and contractors for design and construction of the fixed generator and generator

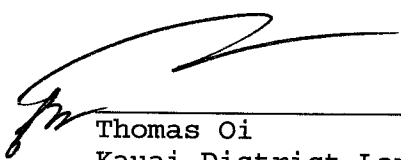
building.

RECOMMENDATION: That the Board:

1. Approve of and recommend to the Governor issuance of an executive order withdrawing 1.00 acres from the Governor's Executive Order No. 4007.
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to the County of Kauai, Department of Water under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Issuance of a immediate right of entry to the County of Kauai, Department of Water, its employee, agents and contractor for design and construction of this project subject to the following:

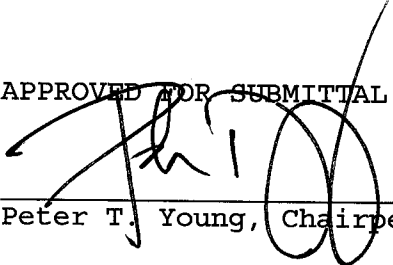
- A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time; and
- B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

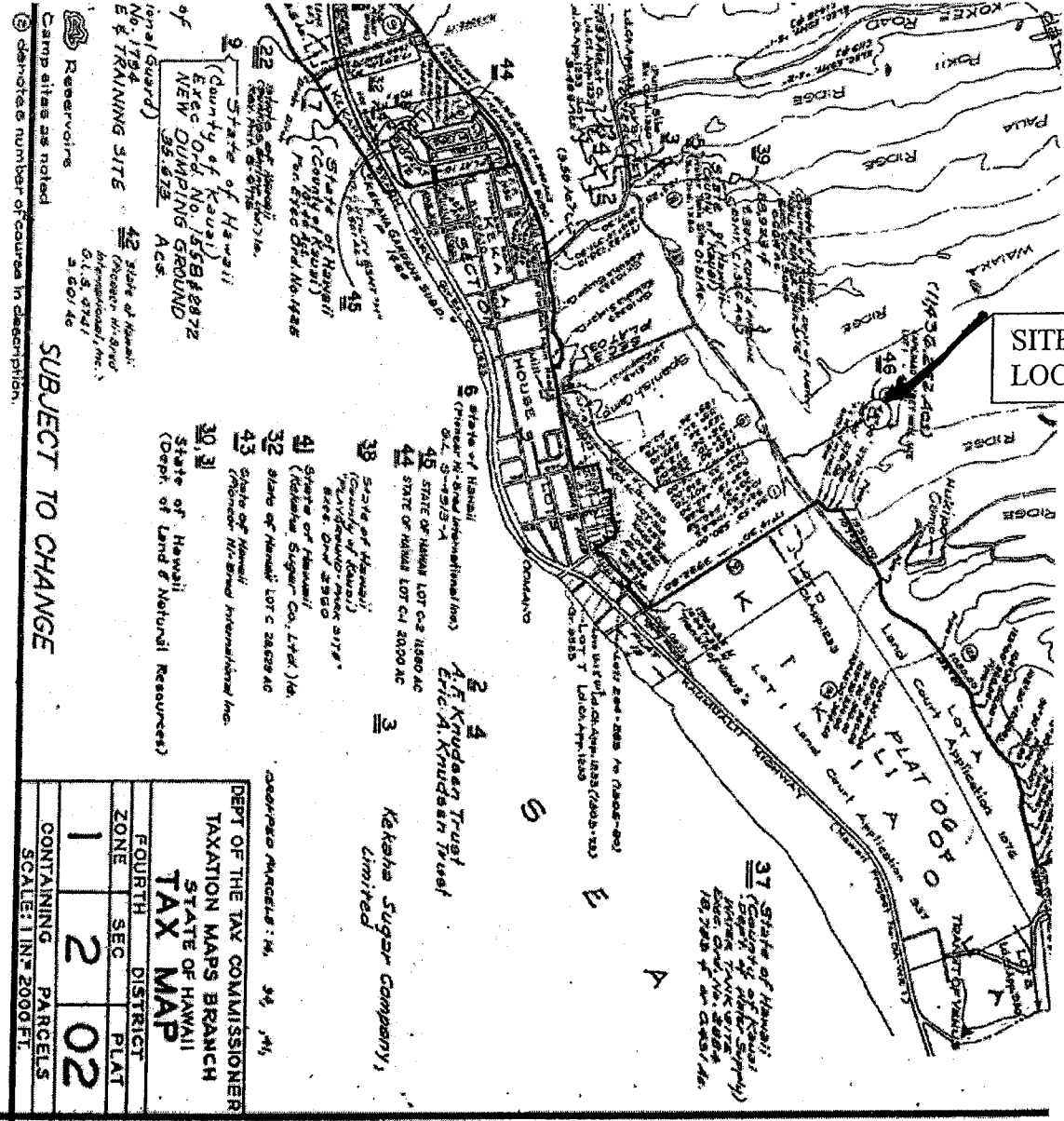


Thomas Oi
Kauai District Land Agent

APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson



22 State of Hawaii
 (County of Kauai)
 EXEC. ORD. NO. 153B#2872
 NEW DUMPING GROUND
 58.873 Acs.
 42 State of Hawaii
 No. 1794
 5 & TRAINING SITE
 42 State of Hawaii
 (County of Kauai)
 EXEC. ORD. NO. 153B#2872
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DEPT OF THE TAX COMMISSIONER
TAXATION MAPS BRANCH
STATE OF HAWAII
TAX MAP

FOURTH	SEC	DISTRICT	PLAT
1	2	02	

CONTAINING PARCELS
SCALE: 1 IN = 2000 FT.

EXHIBIT A

